

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lawrence C. Sheedy, #344392,)
Plaintiff,) C/A No. 3:10-1604-MBS
vs.)
Phillip Thompson, Sheriff; Tom Fox,)
Director; Joey Johnson, Deputy Director;)
Deborah Hipp, Medical Director; Nurse)
Dawn Wilson, Nursing Director;)
Lt. Meyers, Classification Supervisor,)
Defendants.)

)

ORD E R

At the time of the underlying events, Plaintiff Lawrence C. Sheedy was detained at the J. Reuben Long Detention Center in Conway, South Carolina. Plaintiff, proceeding pro se, filed a complaint on June 28, 2010, alleging unconstitutional conditions of confinement. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

This matter is before the court on motion to dismiss filed by Plaintiff on January 6, 2011. Plaintiff states that the issues he raised have been addressed and he wishes to dismiss his complaint without prejudice. On January 27, 2011, Defendants filed a response consenting to Plaintiff's request. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On January 28, 2011, the Magistrate Judge issued a Report and Recommendation in which he recommended that Plaintiff's motion to dismiss be granted pursuant to Fed. R. Civ. P. 41(a)(2). A copy of the Report and Recommendation was forward to Plaintiff at his last known address at J. Reuben Long Detention Center. On February 7, 2011, the envelope containing the Report and Recommendation was returned to the Office of the Clerk of Court marked "RETURN TO SENDER - INMATE NOT IN JAIL."

On February 9, 2011, a copy of the Report and Recommendation was forwarded to Plaintiff at Kirkland Correctional Institution in Columbia, South Carolina. The envelope addressed to Plaintiff at Kirkland Correctional Institution has not been returned to the Clerk's Office. Plaintiff has filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. For the reasons stated hereinabove and in the Report and Recommendation, Plaintiff's motion to dismiss (ECF No. 17) is **granted**, without prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

February 28, 2011.